

Memorandum

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**M.H. DAVIDSON & CO. AND DAVIDSON KEMPNER
INTERNATIONAL, LTD.,**

Plaintiffs,

- against -

PROGRESS ENERGY, INC. AND CP&L ENERGY, INC.

Defendants.

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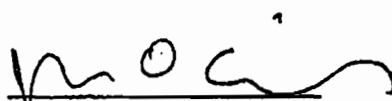
Case No. 11-CIV-5520 (CM)

STIPULATED DISCONTINUANCE AND DISMISSAL


IT IS HEREBY STIPULATED AND AGREED by and among Plaintiffs M.H.

Davidson & Co. and Davidson Kempner International, Ltd., and Defendants Progress Energy, Inc. and CP&L Energy, Inc., through their counsel of record, that the above-captioned action be discontinued and dismissed with prejudice, with each party bearing its own costs, fees, and expenses except as otherwise agreed between the parties.

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SO ORDERED this 12 day of Oct, 2011:


UNITED STATES DISTRICT JUDGE

